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FLOOR DEBATE

March 23, 2004 LB 882, 887, 1035, 1207

her property. Section 6 of the amendment is LB 887 introduced by Senator Quandahl. When a judgment for the payment of money, execution of an instrument, or sale of a delivery of possession of real estate is appealed, a supersedeas bond is issued to stay execution of the judgment while the appeal is pending and to ensure that the appellee will be made whole in the event the appeal is not successful. Under current statute, the supersedeas bonds are issued in the following manner: (1) When the judgment, decree, or final order directs the payment of money, the bond shall be in the amount of the judgment, decree, or final order and all taxable court costs. The estimated interest that will accrue on the judgment, decree, or final order between its date and the date of final determination and the estimated costs of appeal are included. (2) When the judgment, decree, or final order directs the execution of a conveyance or other instrument, the sale or delivery of possession of real estate, or dissolves or modifies an injunction, the bond is in the amount prescribed by the court. As amended by your Judiciary Committee, LB 887 sets a maximum amount for all supersedeas bonds of 50 percent of the appellant's net worth. In addition, the committee amendment provides that in cases where the judgment directs the payment of money, if the appellee provides that an appellant is dissipating or diverting assets outside the ordinary course of business in order to avoid payment of a judgment, the court may enter any judgment necessary to protect the appellee and require the appellant to post a bond up to the full amount of the judgment. Section 7 of the amendment is LB 882, introduced by Senator Quandahl. Under current statute, a summons issued in a forcible entry and detainer action may be served and returned as in other cases or by any person. As amended by your Judiciary Committee, LB 882 makes a technical change to the current language, stating that a summons may be served and returned as provided in the statutory sections governing service of process in civil actions. In addition, LB 882 states that if service cannot be made with reasonable diligence under the listed sections, which I've enumerated, a copy of the summons may be left at the detained premises or mailed by first-class mail to the defendant's last known address. Section 12 is otherwise known as LB 1035, introduced by myself, introduced by me. In forma pauperis means the permission granted by the court for